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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/509,263	09/27/2004	Shelley J Spector	25139.002	5308

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EXAMINER

NGUYEN, HUY D

ART UNIT	PAPER NUMBER
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2617

DATE MAILED: 06/23/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/509,263	<b>Applicant(s)</b> SPECTOR, SHELLEY J	
	<b>Examiner</b> Huy D. Nguyen	<b>Art Unit</b> 2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 27 September 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-15 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-15 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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### DETAILED ACTION

1. The Art Unit location of your application in the USPTO has changed. To aid in correlating any papers for this application, all further correspondence regarding this application should be directed to Art Unit 2617.

### *Claim Rejections - 35 USC § 102*

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 7-10 are rejected under 35 U.S.C. 102(e) as being anticipated by Guyot et al. (US 2006/0046699 A1).

Regarding claims 1, 7, Guyot et al. teaches a method of transmitting a message to at least one group of users selected from a population of users, said method comprising: a) assigning to each member of the one group a common characteristic (e.g., group number - paragraph [0052]); b) collecting from each member of the population an address (e.g., member phone number) to which the message may be sent; c) providing a selected message (e.g., SMS); d) selecting the common characteristic (e.g., group number – paragraph [0052]); e) determining each user of the group with the selected common characteristic (e.g., the server sends an SMS containing group and phone number to every member of the group - see paragraph [0052]); and f) transmitting the

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selected message to each member (e.g., every group member receives an SMS/WAP - paragraph [0053]) of the group with the selected characteristic.

Regarding claim 8, Guyot et al. teaches the apparatus for transmitting a message as claimed in claim 7, wherein said apparatus comprises a plurality of user terminals, each of said plurality of terminals facilitate a corresponding user to select the common characteristic of the group to which the users belong (see paragraph [0055]).

Regarding claim 9, Guyot et al. teaches the apparatus for transmitting a message as claimed in claim 8, where each of said plurality of user terminals is connected by the Internet to said programmed server (see paragraphs [0015], [0047]).

Regarding claim 10, Guyot et al. teaches the apparatus for transmitting a message as claimed in claim 8, where there is further included a message communication system for transmitting messages to one of said terminals of the user (see paragraph [0052]).

### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guyot et al. in view of Hansson et al. (U.S. Patent No. 6,400,942).

Regarding claim 2, Guyot et al. teaches the method of transmitting as claimed in claim 1, except that the common characteristic is a region to which the user is associated. The preceding limitation is taught in Hansson et al. (see abstract and column 2, lines 59-67). It would have been obvious to one having ordinary skill in the art at the time of the invention to apply the teaching of Hansson et al. to the teaching of Guyot et al. to enable BC-SMS messages to be implemented in an orderly and a efficient manner within a cellular radio communication system.

Regarding claim 3, the combination of Guyot et al. in view of Hansson et al. teaches the method of transmitting as claimed in claim 2 except wherein the region includes at least one zip code. However, it would have been an obvious matter of design choice having the region including at least one zip code since it appears the invention would perform equally well with the region including at least one zip code.

6. Claims 4-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guyot et al. in view of Himmel et al. (US 2003/0140091 A1).

Regarding claim 4, Guyot et al. teaches the method of transmitting as claimed in claim 1, except wherein the method is implemented over the Internet, and said step of collecting an address comprises the step of programming a server to download over the internet a screen prompting each user to input its address to where the message may be sent. The preceding limitation is taught in Himmel et al. (see abstract and paragraph [0040]). It would have been obvious to one having ordinary skill in the art at the time of the invention to apply the teaching of Himmel et al. to the teaching of Guyot et al. to provide a method for capturing a telephone number record from a Web site.

Regarding claim 5, the combination of Guyot et al. in view of Himmel et al. teaches the method of transmitting as claimed in claim 4, wherein the address is saved in a database (e.g., telephone directory 17 – see Himmel et al.: paragraph [0040]).

Regarding claim 6, the combination of Guyot et al. in view of Himmel et al. teaches the method of transmitting as claimed in claim 5, wherein said step of transmitting captures the stored address and inserts it into the message whereby the message is sent to each user of the group with the common characteristic (e.g., a list of names or nick names of the members of the group are shown and the application server sends an SMS or pushes the group and phone number through WAP - see Guyot et al.: paragraph [0053]).

7. Claims 11-13 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guyot et al. in view of Sivakumar (US 2002/0052194 A1).

Regarding claim 11, Guyot et al. teaches apparatus for transmitting a message as claimed in claim 10 except wherein said message communicating system transmits messages in the form of a text message to a portable text message receiving device. The preceding limitation is taught in Sivakumar (see abstract and paragraphs [0004], [0013]). It would have been obvious to one having ordinary skill in the art at the time of the invention to apply the teaching of Sivakumar to the teaching of Guyot et al. to improve system by means of which a user may be provided with messages indicating an event via his portable communication device.

Regarding claim 12, the combination of Guyot et al. in view of Sivakumar teaches the apparatus for transmitting a message as claimed in claim 11, wherein said portable message text message receiving device is selected from a group comprising, a portable personal computer, a workstation and a portable digital assistant (see Guyot et al.: paragraph [0034] and figure 4).

Regarding claim 13, the combination of Guyot et al. in view of Sivakumar teaches the apparatus for transmitting a message as claimed in claim 12, wherein there is further included an internet service provider which is connected to the internet to transmit messages from said server via said internet and said internet service provider to one of said portable message text receiving devices (see Guyot et al.: paragraph [0047]).

8. Claims 14-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Guyot et al. in view of Angle et al. (U.S. Patent No. 6,366,771).

Regarding claim 14, Guyot et al. teaches the apparatus for transmitting a message as claimed in claim 10 except wherein said message transmitting system transmits messages in the form of an audio message to a portable audio message receiving device. However, the preceding limitation is taught in Angle et al. (see column 18, lines 5-9). It would have been obvious to one having ordinary skill in the art at the time of the invention to apply the teaching of Angle et al. to the teaching of Guyot et al. to permit voice communication over the same network links utilized for data communications.

Regarding claim 15, the combination of Guyot et al. in view of Angle et al. teaches Apparatus for transmitting a message as claimed in claim 14, wherein there is further included a telecommunications provider which is connected to the internet to transmit messages from said server via said Internet and said telecommunication provider of said portable audio message receiving devices (see Guyot et al.: paragraph [0047]).

***Conclusion***

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Burgess (US 2002/0128033 A1) teaches communications control method and apparatus.
- Crockett et al. (US 2003/0153343 A1) teaches communication device for initiating a group call in a group communication network.

***Contact Information***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Huy D. Nguyen whose telephone number is 571-272-7845. The examiner can normally be reached on M-F.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on 571-272-4090. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Huy D Nguyen  
Patent Examiner  
Art Unit 2617